

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRIK GUSTAVSSON,

Non-Party,

v.

PLAINTIFFS IN IN RE: ETHIOPIAN
AIRLINES FLIGHT ET 302 CRASH,

Respondents.

CASE NO. 2:20-cv-01834-BJR

ORDER TRANSFERRING MATTER
TO THE NORTHERN DISTRICT OF
ILLINOIS

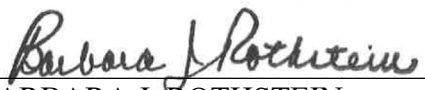
Before the Court are two sets of motions. First, Non-Party Patrik Gustavsson moves to quash, or otherwise stay, a subpoena for his depositional testimony issued in the underlying case *In re Ethiopian Airlines Flight ET 302 Crash*, 1:19-cv-02170 (N.D. Ill.), located in the United States District Court for the Northern District of Illinois. Mot. to Quash, Dkt. No. 1. Second, both parties move to seal not only the Motion to Quash, but much of the briefing in this matter. Mot. to Seal, Dkt. No. 2; Mot. to Seal Surreply, Dkt. No. 14; Mot. to Seal Resp., Dkt. No. 21; Mot. to Seal Reply, Dkt. No. 31; Mot. to Seal Reply, Dkt. No. 35.

In response to Mr. Gustavsson's Motion to Quash, Respondent Plaintiffs request transfer of this matter to the Northern District of Illinois pursuant to FRCP 45(f) ("When the court where

compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court . . . if the court finds exceptional circumstances”). Pls.’ Resp. to Mot. to Quash, Dkt. No. 22 (Redacted), 23 (Sealed). In an action substantially similar to the one before this Court, the United States District Court for the Southern District of Texas granted a Non-Party’s request—pursuant to FRCP 45(f)—to transfer an action to quash a subpoena in the same underlying case to the Northern District of Illinois and sealed the record. *See In re Deposition Subpoena Direct to Mark E. Forkner in the Case of In re Ethiopian Airlines Flight ET 302 Crash*, 4:20-mc-02746 (W.D. Tex.); Resp. to Mot. to Quash, Ex. 2, Dkt. No. 24-1 at 2 (Oct. 20, 2020 Order in 20-mc-02746 (W.D. Tex.)). Respondent Plaintiffs have also asserted that further subpoenas raising the same substantive issues in both this matter and the one before the Western District of Texas are likely to be issued. Resp. to Mot. to Quash at 5.

After review and consideration of the briefs submitted by the parties and the relevant history in related actions, the Court finds this matter meets the requirements set forth in FRCP 45(f) and hereby TRANSFERS this matter to the Northern District of Illinois for determination in connection with the underlying litigation. Further, the Court hereby GRANTS the parties’ Motions to Seal, Dkt. Nos. 2, 14, 21, 31, 35.

DATED this 21st day of January, 2021.


 BARBARA J. ROTHSTEIN
 UNITED STATES DISTRICT JUDGE